

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-012680

03/06/2006

JUDGE PRO TEM COLLEEN L. FRENCH
FOR HONORABLE KENNETH L. FIELDS

CLERK OF THE COURT
K. Ballard
Deputy

FILED: 03/10/2006

ADAM RUMINER, et al.

WARREN R BROWN

v.

SCOTTSDALE HEALTHCARE HOSPITALS, et al. ROBERT H FEINBERG

STEPHEN C YOST

RULING

2:01 p.m. This is the time set for Oral Argument re: Defendant Scottsdale Healthcare Hospitals' Motion for Partial Summary Judgment. Present on behalf of the Plaintiffs is Warren R. Brown; present on behalf of Defendant Scottsdale Healthcare Hospitals (dba Scottsdale Healthcare – Shea) is Robert H. Feinberg; and present on behalf of Defendant McLaurin is Brian E. Cieniawski for Stephen C. Yost.

Court reporter, Lorraine Chalkey, is present.

Oral argument is presented.

IT IS ORDERED taking this matter under advisement.

LET THE RECORD REFLECT counsel are advised that Judge Colin Campbell is assuming this calendar for Judge Fields effective March 7, 2006.

IT IS FURTHER ORDERED resetting the telephonic Rule 16 Pretrial Conference set this date to **Tuesday, March 14, 2006 at 9:00 a.m.** Plaintiffs' counsel shall arrange and initiate the conference call to Judge Campbell's division at 602-506-3837.

2:25 p.m. Matter concludes.

LATER:

Docket Code 019

Form V000A

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The Court has reviewed Defendant Scottsdale Healthcare's Motion for Partial Summary Judgment, with its statement of facts; Plaintiffs' Response to Motion for Partial Summary Judgment filed by Scottsdale Healthcare; and Defendant Scottsdale Healthcare's reply. The Court has also considered the oral arguments of counsel and the pertinent authorities.

In its Motion for Partial Summary Judgment, Defendant Scottsdale Healthcare moves for summary judgment on all of Plaintiffs' claims *except* those relating to having vecuronium or other paralytic drugs on the code cart or immediately available in or in close proximity to the patient. At oral argument, Plaintiffs' counsel stated that the only claims for medical negligence in this case concern the lack of paralytic agents on the code cart or immediately available or in close proximity to the patient. Therefore,

IT IS ORDERED denying Defendant's Motion for Partial Summary Judgment.